

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 FRANK FAHY,

No. C-09-1420 MMC

12 Plaintiff,

**ORDER CONTINUING HEARING ON  
DEFENDANT STEINER'S MOTION TO  
DISMISS OR FOR SUMMARY  
JUDGMENT**

13 v.

14 ORPHEOS TARBOX, et al.,

15 Defendants

16 /

17 On August 6, 2009, defendant Alec Steiner ("Steiner") filed a "Motion To Dismiss For  
18 Failure To State A Claim On Which Relief Can Be Granted [Fed. R. Civ. P. 12(b)(6)] Or, In  
19 The Alternative, For Summary Judgment [Fed. R. Civ. P. 56]," and noticed said motion for  
20 hearing on September 11, 2009. On August 27, 2009, plaintiff Frank Fahy filed an  
21 opposition to Steiner's motion. In the interim, on August 20, 2009, defendants City and  
22 County of San Francisco, Orpheos Tarbox, Timothy Buelow, and Steven Stocker filed a  
23 "Motion to Dismiss and Motion for a More Definite Statement," and noticed their motion for  
24 hearing on September 25, 2009.

25 The two motions present at least one issue in common, specifically, whether the  
26 complaint provides fair notice of the claims. Accordingly, in the interests of judicial  
27 economy, the Court hereby CONTINUES the hearing on defendant Steiner's motion from  
28 September 11, 2009 to September 25, 2009.

1       In light of the continuance, if Steiner wishes to file a reply to plaintiff's opposition, any  
2 such reply must be filed no later than September 11, 2009; additionally, any such filing  
3 must be accompanied by a proof of service demonstrating the reply has been served on  
4 Fahy and on counsel for the other defendants.

5       **IT IS SO ORDERED.**

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7       Dated: September 3, 2009

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*Maxine M. Chesney*  
MAXINE M. CHESNEY  
United States District Judge